

**IN THE HIGH COURT OF ORISSA AT CUTTACK**

**CRLREV No.234 of 2022**

**1. Duryodhan Bag**

**2. Kailash Bag**

**3. Henmant Kumar Bag** .... **Petitioners**

*Mr. Manas Chand, Advocate*

*-versus-*

**State of Odisha**

.... **Opp. Party**

*Mr. Rajesh Tripathy*

*Addl. Standing Counsel*

**CORAM:**  
**JUSTICE S.K. SAHOO**

**ORDER**  
**19.07.2022**

**Order No.**

01. This matter is taken up through Hybrid arrangement (video conferencing/physical mode).

Heard Mr. Manas Chand, learned counsel appearing for the petitioners and Mr. Rajesh Tripathy, learned Additional Standing Counsel appearing for the State of Odisha.

The petitioners, namely, Duryodhan Bag, Kailash Bag and Henmant Kumar Bag faced trial in the Court of learned J.M.F.C., Khariar in G.R. Case No.94 of 2007 for commission of offences under section 341/294/323/355/506/34 of the Indian Penal Code and vide impugned judgment and order dated 17.11.2018, the learned trial Court found the

petitioners guilty under section 323/34 of the Indian Penal Code and sentenced each of them to undergo simple imprisonment for a period of one year each and also to pay a fine of Rs.500/- (rupees five hundred), in default, to undergo simple imprisonment for one month each. The petitioners preferred an appeal in the Court of Session and it was heard by the learned Additional Sessions Judge, Nuapada in Criminal Appeal No.22/06 of 2018-19. The learned Appellate Court though upheld the conviction of the petitioners under section 323 of the Indian Penal Code but directed they were released under section 3 of the Probation of Offenders Act, 1958 and it was observed that the petitioners shall appear before the learned trial Court within fifteen days of the date of order and they will be released after giving due admonition and in case they failed to appear for admonition, the sentence pronounced against them by the learned trial Court shall stand.

Mr. Manas Chand, learned counsel for the petitioners submitted that on account of some personal difficulties, the petitioners could not appear within fifteen days from the date of the pronouncement of the Appellate Court judgment for which the learned trial Court issued N.B.W.(A) against the petitioners on 03.05.2022. The certified copy of the order of the learned J.M.F.C., Khariar dated

03.05.222 is filed, which is taken on record. It is submitted by the learned counsel for the petitioners that at least a month time may be granted to the petitioners for appearance before the learned J.M.F.C., Khariar to comply the order of the learned Appellate Court.

Learned counsel for the State has no objection.

Accordingly, it is ordered that in case, the petitioners appear before the learned J.M.F.C., Khariar in G.R. Case No.94 of 2007 on or before 31.08.2022, the learned Magistrate shall comply the order passed by the learned Appellate Court. Till 30.08.2022, the N.B.W.(A) shall not be executed against the petitioners.

The Revision Petition is accordingly disposed of.

Urgent certified copy of this order be granted on proper application.

**( S.K. Sahoo )**  
**Judge**